

## **HJR 622 STUDY: CHESAPEAKE BAY PRESERVATION ACT - EXPANSION**

RESOLVED FURTHER, That the Chesapeake Bay Local Assistance Department be requested to submit to the Commission for inclusion in Commission's interim report (i) **an assessment of the benefits to the environment, along with the costs and effects to state and local governments of extending the Act to include localities outside of "Tidewater Virginia" that are within the Chesapeake Bay watershed;** (ii) **the potential need for changes to existing regulations to reflect differences in the topography and geology for such an expansion;** and (iii) **the financial resources needed in the form of state implementation grants to local governments for such an expansion.** The Department shall complete and submit its findings and recommendations to the Commission by October 20, 2001.

### **V. EFFECTS TO STATE AND LOCAL GOVERNMENTS**

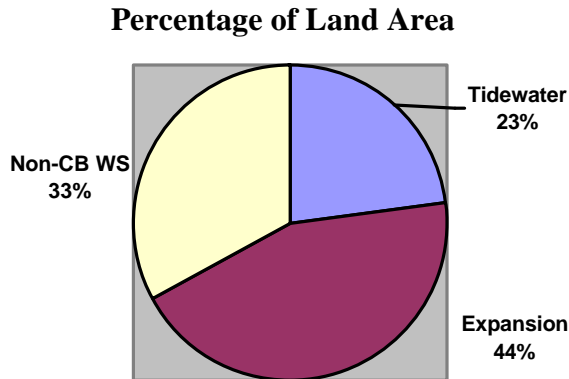
This Chapter examines the effects to state and local governments in terms of program development and implementation. Issues pertaining to the costs to local government are addressed only in general terms since the Act carries with it an obligation to provide those resources necessary to carry out and enforce its provisions (§ 10.1-2100.B). The costs to the state are specifically addressed in Chapter VII.

**Expansion Area Profile:** Chapter IV identified the geographic and environmental differences between Tidewater and the Expansion Area. As identified in Chapters III, there are also significant differences between the localities in each of these areas. These include a substantial difference in character between urban/suburbanizing nature of Tidewater to the predominately rural with some pockets of sub-urbanization nature of the proposed Expansion Area. There are 36 counties, 11 cities, and 57 towns in the proposed Expansion Area. Table V-I provides a comparison between the size of cities and counties between Tidewater and the Expansion Area. It shows that the two areas are comparable with regard to smaller localities (cities and counties < 15,000 population); the Expansion Area has more middle-size localities (between 15,000 and 100,000 population); and Tidewater has more large localities (>100,000 population) by a 13 to 1 count. Also, the Expansion Area has 57 towns compared to 38 in Tidewater. A listing of all the counties, cities, towns and PDCs is found in Chapter III in Table III-2.

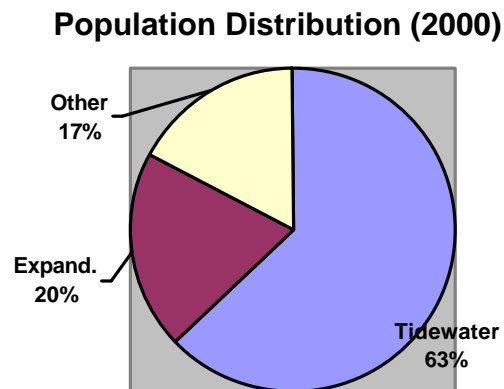
TABLE V-1					
<b><u>City Size Comparisons</u></b>	<b><u>T</u></b>	<b><u>E</u></b>	<b><u>County Size Comparisons</u></b>	<b><u>T</u></b>	<b><u>E</u></b>
Cities greater than 100,000	8	0	Counties greater than 100,000	5	1
Cities between 40,000-100,000	1	3	Counties between 40,000-100,000	5	6
Cities between 15,000- 40,000	5	4	Counties between 15,000- 40,000	7	18
Cities less than 15,000	3	4	Counties less than 15,000	12	11

Chapter III describes differences in population and land area between Tidewater and the Expansion Area. Figure V-1 graphically shows a comparison of the land area between the two study areas and the balance of the State and Figure V-2 shows population distribution per the 2000 Census.

**FIGURE V-1**

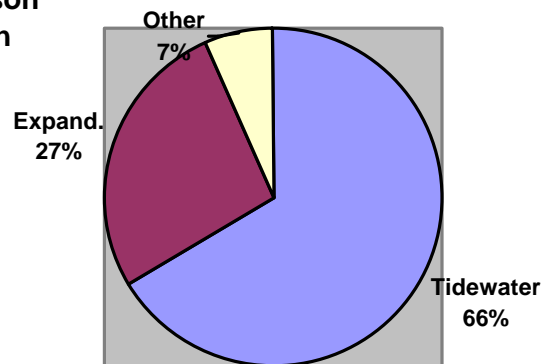


**FIGURE V-2**



**FIGURE V-3**

**Growth Rate Comparison  
As % of State Growth  
1990 - 2000**



Another factor that influences a comparison between Tidewater and the Expansion Area is the rate of growth. Figure V-3 shows that Tidewater had 66% of the growth of the state during the period 1990-2000 while the Expansion Area had 27% of the state's population growth. However, within each region the figures show that the Expansion Area grew by 20.5%, Tidewater by 15.5%, and the balance of the state by 5%. So while the vast majority of new development is occurring in Tidewater, the Expansion Area is experiencing that rate of change at a higher level. This means that pressures on local governments in the Expansion Area to keep up with the demands of growth, especially as it relates to developing new land development programs might be even greater than it was for the Tidewater localities.

**The Locality Survey:** To get an idea of the capacity of local government in the proposed Expansion Area to handle requirements for new development regulations as required by the Act, a survey was conducted. 31 of the 41 (75%) of the counties responded; 9 of the 11 eleven (82%) cities; and 28 of 57 (50%) of the towns responded. The survey was structured to address planning, land development code provisions, and compliance with key aspects of the required performance criteria. The survey instrument is contained in the appendices along with a table showing the responses. The information gleaned from the survey is provided in Table V-2.

*Table V-2* *Locality Survey – Summary of Results*

<b>Item</b>	<b>Counties</b>	<b>Cities</b>	<b>Towns</b>
	31 responses – 75%	9 responses – 82%	28 responses -50%
Status of Comp Plan	Nearly all have adopted or amended their plan in the last five years.	Four have plans current within the past 4 years. The others are from 5 to 11 years old.	Only 50% of the responders have current plans.
Environmental Element	95% with varying degrees	67%	50%
Address water quality	65%	67%	40%
Use watershed based planning	16%	33%	21%
Current zoning code	94% (all have zoning codes)	100%	75%
Use of Environmental Overlay Districts	35%	22%	25%
Current subdivision codes	71% (all have subdivision codes)	67% (all have subdivision codes)	54% (18% report no code)
Stormwater Programs / w water quality provisions	29% stormwater 13% with water quality	55% stormwater 55% with water quality provisions	36% stormwater 25% w W.Q. 07% use county
E&SC Programs	97%; 6% have reduced thresholds	100%; 33% have reduced thresholds	70%; 25% have reduced thresh.
Septic Inventory and Pump-out Program	29% inventory 07 % p-o program	11% inventory 00% p-o program	18% inventory 07% p-o program
New Homes		(one with no data)	
➤ 100 per year	67%	33%	07%
➤ 51-100	19%	22%	10%
➤ 26-50	10%	11%	10%
➤ 11-25	03%	11%	13%
➤ 10 or less	00%	11%	61%

The effect of the proposed expansion upon localities is dependent upon their capacity to handle the new demands. In general, the localities in the proposed Expansion Area appear to have comprehensive plans and land development codes that are maintained on a regular basis. The survey also contained some specific questions directed toward innovative and state-of-the-art planning concepts and regulatory approaches. These items included watershed based planning, use of environmental overlays, and built-in code flexibility for designs that would accommodate sensitive environmental features. Localities that have such approaches range from 10%-25% of those who responded. Thus, while the general condition of plans and codes is viewed as being favorable, there appears to be significant work necessary to encourage and promote the type of planning and development practices, in the proposed Expansion Area, as is envisioned by the Commonwealth's commitments in the Chesapeake Bay 2000 Agreement and as is necessary to achieve the Commonwealth's water quality goals. Thus, there will be additional staffing demands at the local level since a new area of expertise will be required. However, through the proven effectiveness of CBLAD's current local assistance grant and liaison program that work can be accomplished.

**The Locality Meetings:** The locality survey, however, only provides a snapshot of local government capacity. In order to get a better idea of how the proposed expansion may affect local government, seven meetings were arranged through the auspices of the potentially newly affected planning district commissions (regional commissions). Seven meetings were held with a total of ninety-two participants. The meeting agenda, meeting notes, and letters of invitation are contained within the appendices.

The following narrative provides a summary of the comments, from those outreach meetings, that have general applicability and, in some cases, additional comment from CBLAD. Comments that are appropriate to specific performance standards, e.g. agricultural operations are included in the next section of this Chapter. Comments that are appropriate to the issue of environmental benefits are reported in Chapter IV. Area specific comments are found in the notes recorded from each of the meetings

While the point of “no more regulations – no more mandates” was repeatedly aired, there was also acknowledgement that the deteriorating water quality situation and increasing demand by the public for environmental protection and enhancement would necessitate local government to be more active with regard to protection of the environment. Thus, the major message was “if it is enacted then it must be funded!” The key to having any possibility of acceptance is the providing of resources (funds, assistance, manpower) to accomplish its implementation. It was also pointed out that the income levels are very low in some of the areas and that there is greater reliance on state government in all types of assistance.

The position was aired that provisions in the zoning enabling statute provide the same ability/authority that is available through the Act with regard to water quality enhancement through land use regulation; thus, they advocate that if the localities desire to undertake more water quality based planning and land use controls, they can. While that position has some merit and localities have used the basic zoning enabling authority for some stream corridor protection, it is problematic if the general interpretation would apply to all of the performance criteria that are contained in the Act and its regulations.

There was an expression that the resulting program should address “maintaining what you have” i.e. keeping natural buffers and develop the remaining (developable) land so as not to erode the quality of state waters. While this general approach and thought is consistent with the current program, the opinion was expressed that bringing in a sweeping, complicated program would not work and that it would be better to spend money on identified problems than to institute a program to identify what we (they) already know. They emphasized the need to use resources at hand and not get further spread-out over more layers of government. In many localities staffing is so limited with regards to time and resources that they would not be able to manage grants, thus, providing assistance in addition to just local funding would be necessary. It was expressed that complying with a Bay Act type program would be a diversion of funding from what needs to be done i.e. they know what has to be done and are trying to do it. The point was made “if we can’t clean up the point-source problems (already identified and targeted) then how do you expect us to get behind non-point source pollution

programs”. These comments were made with regard to the localities spending their own funds to identify point-source problems and design of a solution that that was not funded by the state.

With regard to economic and financial issues, an indirect concern was the effect that additional land use regulation and compliance requirements would have upon growth and development. It was stated that they “don’t want to put up additional barriers to economic development” and that any program needs to acknowledge that it would be expanding into geographic areas that need economic stimulation. The issue of not hindering economic development so that they can keep their young people and have more jobs is an item of primary concern in one area. Regarding the economic implications there is another position and that is the negative effect upon economic development and investment when there are poor environmental conditions and the implications regarding (reduced) cost of restoration when water quality protection programs already existed. While documentation of such efforts exist, such as VIMS study on the aftermath of Hurricane Floyd, the scope of such matters is beyond the focus of this report.

Overall, the groups felt there is general support from the public for taking a comprehensive approach to water quality planning and improvement and that education is the key to programs that are proposed to protect and enhance state waters. They stated that the James River Roundtables have been beneficial and cited the *Save Our Rivers Report* as a good item that helped individuals understand the status of state waters and what should be done to protect them.

**Requirements for compliance:** The following section identifies what a locality will need to do for compliance with the Act and its current regulations and what the potential effects are upon local government. The environmental benefits and implications are not addressed since they are covered in Chapter IV.

***Identification of water resource and water resource protection and management areas:*** At present such designations are not required. Under the Act, these areas are known as the Resource Protection Area (RPA) and the Resource Management Area (RMA). A few localities have used similar approaches for limited environmental protection area such as stream corridors and enhanced flood plain management. Local governments will be required to have an environmental inventory (the locality survey shows that of the reporting localities, 95% of the counties, 67% of the cities, and 50% of the towns already use some type of environmental planning in their comprehensive plans). This information must be specifically mapped as, what is now called, the Chesapeake Bay Preservation Area (CBPA). These become the areas that are subject to compliance with the performance criteria. As necessary, assistance is provided to local governments through grants. Also, direct information is provided by the CBLAD GIS function.

***Changes in local land use and development regulations:*** All the expansion counties and cities have zoning ordinances. There may be a town that does not. While all localities are to have subdivision codes, they do not have to address water quality considerations.

Performance criteria are an integral part of any land development regulation. The degree to which they address water quality and protection vary. Regulating landscaping, impervious cover, and grading exist in varying degrees in most localities. In some localities, such as Loudoun and Clarke counties, expansion of the Act would not result in new regulations. In other localities, particularly those with only the minimal code, new regulations will be necessary.

Localities will need to prepare and adopt performance criteria consistent with those established in the regulations. This may be accomplished through either incorporation, or reference to, local land development codes (zoning, subdivision) through the use of stand-alone ordinance. A model ordinance approach was available for the established of the Tidewater programs and it was used by several localities. With the adoption of the 2001 Regulation changes, CBLAD is initiating a new program whereby the agency identifies deficiencies between local codes and the new regulations. Thus, the locality is given specific direction, along with guidance, as to the types of changes that need to be accommodated. This assistance program should also be applied with any expansion program.

For most localities, compliance with the general standards will simply be an extension of their existing review process such as landscape standards (minimally pertaining to the RPA buffer), establishing impervious cover standards for lots, and review of grading plans. In other situations, more complex requirements may be applied. The cost to local government will vary widely depending upon the type of regulations that are enacted. For those localities that seek to implement more comprehensive and innovative approaches, special technical assistance funding has been provided.

***On-going plan-of-development review and enforcement:*** The use of performance based water quality requirements is permissive under the zoning statutes. It is not widely used in the expansion area. Thus, as pointed out in the locality meetings a new type of expertise will be required in many localities. Consideration of water quality items, through compliance with the performance standards, in the plan of development review process is required. A Water Quality Impact Assessment is required for any proposed development in a RPA. It is permissive throughout the RMA. Expertise is necessary to properly review a WQIA and integrate mitigation measures into the associated development plan. The costs to local government vary widely depending upon current local programs and the type of development that occurs. Also, direct technical assistance is available through the liaison program as the current Regulations specifically require that CBLAD shall respond to local requests for the review of a WQIA.

***Compliance with Erosion and Sediment Control criteria:*** The requirement for a E&SC program already exists in statutes and nearly all localities have a formal review process. Known exceptions exist for towns who contract with counties or are engaged with some other interagency arrangement for the service. The difference that is introduced with the Act is reduction of the threshold for compliance from 10,000 square feet to 2,500 square feet of land disruption. Since E&SC programs are already required and accommodated in

each locality, the effect upon local government in terms of costs and operations is incremental and is related to the amount and type of development activity.

***Compliance with Stormwater Management criteria:*** Stormwater management programs are enabled, but are permissive except for those localities subject to Phase I or Phase II of the VPDES. Also, such programs only need to deal with quantity and, under the VPDES, with a subjective measure of quality. The State Stormwater Manual Program provides a tool and additional enabling authority, but it does not require a quality component. With expansion of the Act, protection of water quality is required and thus a local stormwater management program, addressing both quantity and quality, is required. The minimum effort required of local government is the establishment of pollution run-off standards and use of water-quality best-management-practices (BMP) to meet the standards. Another aspect of such a program is an inventory and system for tracking of maintenance.

Less than 40% of the localities in the expansion area have some sort of stormwater management programs and less than 20% address water quality. Developing and implementing programs that meet the Act will effect local governments. The impact will differ depending upon their existing programs and capacities. Running an on-going stormwater program can vary widely in costs. As with other aspects of the overall program, the effect upon a specific locality will be dependent upon the type and quantity of development that occurs there. CBLAD provides direct technical assistance in the review of plans and some assistance has been provided through the local assistance grant program for the on-going implementation of local programs.

***Compliance with Agricultural performance criteria:*** In the outreach meetings, there was a perceived negative impact upon agricultural operations with the additional cost of compliance falling upon the farmer. On-the-other-hand, it was noted that many farmers utilize the ag-cost-share program and that many see the benefits of having and following a farm plan. It was noted that the Ag-BMP programs have been excellent, but the problem is that they have not been adequately funded. But never-the-less, there is the perceived impact of additional regulation. The point was made that implementation of the agriculture performance standards needs to avoid duplication with the DCR programs. [Please refer to Chapter IV for a description of the types of plans prepared by DCR and the Bay Act program.]

Except for poultry operations, the preparation of a nutrient management plan is a permissive activity in the proposed Expansion Area. These plans deal only with nutrient management and are provided by the NRCS and DCR. The existence of such a plan is required to participate in the agriculture cost-share program. With expansion of the Act, preparation of farm plans (see Chapter IV for a description of a farm plan) on specific agricultural sites, along with the implementation of the plan, is required when an encroachment into the RPA buffer is desired.

Within the CBLAD program there is a component for the preparation of farm plans. Recent revisions to the regulations provides a mechanism for enforcement of the program requirements but does not require active participation by local government.

Thus, at this point in time there is no substantial effect upon local government with regard to this performance criteria.

***Compliance with Silviculture performance criteria:*** Enforcement of the Silviculture Water Quality Act has historically been handled through the Department of Forestry and occurred on an after-the-fact basis. The Act provides for local authority regarding silviculture operations as they pertain to protection of the RPA buffer. A Memorandum of Understanding (MOU) exists between DOF and CBLAD that explains how the compliant-based program works. There are no significant costs to local government as the arrangement created by CBLAD and DOF deals directly with the violator. There is a potential for involvement by local government, however any costs are minimal and incremental, as they would occur on a case-by-case basis.

***Compliance with septic system performance criteria:*** The basic requirement of the septic system performance criteria is to insure that such systems are properly maintained. One option is to have a periodic (5-year) pump-out. The 2001 proposed changes to the regulations include alternatives such as an inspection and some structure approaches. Another requirement is that an area for a reserve septic field be provided for in the design of newly created lots. Common to any requirement is the need to have an inventory of septic systems. The locality survey indicates that about 20% of the localities already have such an inventory. Within Tidewater the inventory has usually been prepared by a locality with its updating accommodated by the local health unit. Most of the inventories have been prepared with the use of grant funds from CBLAD. Approximately \$200,000 has been spent in this manner. CBLAD also prepared spreadsheets and provided technical assistance.

The issue of septic system performance, as noted in Chapter IV, is being addressed by some localities in the proposed Expansion Area with assistance provided through WQIA and Health Department programs. Such programs are instituted only on a sporadic basis, usually when there is a health threat or a specific problem is present. HJ 771 is addressing this general issue, and the Department of Health is also very involved in issuing new guidance and is now in the process of amending its septic system regulations to require system maintenance statewide.

The most significant issue with respect to the effect upon local government is the political aspect of mandating a pump-out and then proceeding with enforcement. Where this issue has been broached, it has been most successful when accompanied by a good public education program. Once the inventory is completed and the education materials are prepared, there is not a significant effect upon local government except when having to deal with specific situations.

***Compliance with the RPA buffer protection criteria:*** The buffer protection criteria take two forms. One is the restriction of land use to those which are water-dependent or which constitute redevelopment. There is no demonstrable effect that this aspect of the performance criteria has an effect upon local government. One item that is frequently raised is diminishing of tax revenue by land area not being developed to its impervious



cover potential. This item was addressed in the DP&B economic assessment of the initial program and the 2001 regulatory changes with no conclusion being reached other than there are arguments on both sides, e.g. that the preservation of the buffer enhances overall value of the general area, and no empirical conclusion. Anecdotal evidence presented to the Board in the aftermath of recent hurricanes from the City of Williamsburg and from the VIMS study show definite benefits and minimization of storm damage for localities that had intact buffers. Further, the cost of restoration is a cost to be avoided (reduced) by items such as good streamside management. Examples of this are evident in the WQIA grant applications that seek to restore streams that are now experiencing unacceptable levels of sediment deposition due to inadequate streamside management.

The other aspect of buffer protection is the management of its vegetation. As with other items, this presents an incremental cost to local government as staff becomes involved in preparing guidance and spending time working with citizens on this matter. CBLAD does provide technical assistance and guidance in such matters.

***Compliance with comprehensive plan criteria:*** All localities are required to have a comprehensive plan. Water quality considerations are currently optional in the proposed Expansion Area. With expansion, local comprehensive plans will need to address water quality per guidance issued by the Board. Currently that guidance deals with the general topics of: constraints to development (a land use approach to water quality), protection of water supply, streambed and shoreline erosion, public access, and enhancing water quality through revitalization and redevelopment. It is likely that the guidance will be revised to better address the proposed Expansion Area such dealing with the karst topology, sinkholes, and to better address the symbiotic relationship between water quality and continued economic development and fiscal stability.

At a minimum, a review of each local comprehensive plan is required. While a few plans may be adequate, it is likely that almost all local plans will need to be amended. It is required by statute that planning commissions review the comprehensive plan, at least, on a five-year cycle to identify if it is appropriate to up-date. Thus, the need to review existing plans per requirements of a potential expansion of the Act's provisions does not introduce a new requirement upon local government.

Conducting the actual amendment process does have a fiscal effect upon local governments. However, updating plans for this purpose is one of the grant eligible activities for local assistance funds. During the course of bringing the comprehensive plans of Tidewater localities into compliance with the Act and its Regulations, more than \$1,500,000 has been allocated through CBLAD local assistance grant. Also, there is a close relationship between the comprehensive plan guidance dealing with constraints to development and the establishment of the RPA and RMAs and the additional technical support and funding for that activity also assists in the plan up-dates. This item was addressed previously in this section where it was noted information may be provided by the CBLAD through its GIS function.

***Implementation and Enforcement:*** How well local programs are implemented and enforced varies widely per jurisdiction. This is particularly true when the local programs are voluntary. Even with mandatory programs, there are low compliance rates as witnessed with the number of adequate E&SC programs and the poor rate of compliance with the DOF program (see Chapter IV for details).

The Act and its Regulations specifically call for the implementation of the local program and direct the Board to assure compliance. Thus, it is necessary that local governments have a specific program to handle its local program. The components of this aspect of the local program include: local monitoring and enforcement programs for violations, especially the buffer; for the processing and administration of waivers, exemptions, modifications, and exceptions; for E&SC statute compliance; for stormwater criteria compliance; for BMP agreement data base maintenance; review of development plans for compliance with the performance criteria; and an appropriate connection with the agricultural and silviculture provisions.

Because the overall program is mandatory, it is expected that there is dutiful compliance. As was pointed out during the locality meetings, planning and regulating for water quality will introduce a new demand upon some local governments and will require additional staffing that has expertise in the area. As with all components of the overall local program, the cost to local government is dependent upon existing capacities along with the quantity and the type of development that occurs. To assist localities in on-going implementation and enforcement, CBLAD has expended more than 60%, in excess of \$5,400,000, of its local assistance grant funds for this purpose. Currently, 75% of the annual grant awards are for local program implementation.

**Suggestions for changes:** The locality outreach meetings also provided an opportunity for feedback to CBLAD as to how the program might change to be more effective or acceptable if it were to expand to the balance of the Watershed. The ideas that were expressed follow. Those that are recommended, by CBLAD, to be considered in any expansion program are addressed in Chapter VI.

- Having the State undertake the inventory and resource identification work that is necessary to establish the RPA and RMAs and provide an analysis of the locality's regulations to determine what regulatory approaches, if any, would be appropriate. This is somewhat like an audit approach where the state provides the information and then talks with the localities about how best a locality might comply with the formal Regulations. This is a more flexible approach than the check-list compliance approach that was used in the Tidewater program. This approach addresses the complexity issue and the localities having to devote resources to problem identification or implementing a review program that might not have true applicability to the local situation. A full program, i.e. addressing all of the performance criteria, would not be required until the assessment was completed and an implementation program, tailored to the locality was defined.

- Creating a study commission to determine what is best for a particular area e.g. a regional-perspective approach. For simplicity, the regions would be those encompassed by the seven new planning district (regional) commissions. For some, the expansion of the Act may be an impetus to engage in water quality planning on a regional scale. For others, particularly those with minimal growth, the need would be to look at what is best for its particular area and have a more directed program. It was stated that the tributary strategy approach is confusing and that the increasing number of new state programs and activities are beginning to overwhelm and create confusion as to just where to put resources and efforts. The commissions could create region-wide water quality planning and regulatory programs as opposed to a state-wide regulatory approach that may (will) not effectively address the local situation. The concept would be to do regional planning first and then the local plans and regulations. With regard to this type of approach there exists, and there are proposed, water basin authorities that address public water supply, wastewater, and conservation (quantity and quality). The Northern Shenandoah Valley Regional Commission is engaged in some activity along this general concept.
- No matter what is done, it is necessary to take a bigger view of water-quality issues. The TMDL programs, the current push for adoption of voluntary stormwater management plans, the creation of rules/regulations for facilities such as poultry processing and the like all need to be considered together. In its letter of August 31, 2001, the North Fork Shenandoah River / Holmans Creek Citizens' Watershed Committee commented on the need to avoid duplication of effort. They suggest developing an umbrella water quality program to address the tributary program, water quality improvement plans and other efforts. They make the point that of not spending all of their funds to study TMDL problems since that would diminish the ability to implement their plans. From another perspective, the Headwaters Soil and Water Conservation District, in a letter to JLARC dated September 10, 2001, addressed duplication by noting poultry litter and dairy waste are now regulated, but were not when the Act was passed, and that overlaying the Act's agricultural requirements on top of those existing ones would be expensive and unnecessary. They also pointed out existence of the DCR review of local erosion and soil control programs. A letter from the County of Rockbridge, to CBLAD dated September 12, 2001, also points to the numerous programs that have been created to improve water quality e.g. ag-cost share; CREP; CRP; riparian easements; the VLCF and others that which have insufficient funding.
- Making the water quality provisions of the planning and zoning enabling statutes mandatory and establish uniformity throughout the Commonwealth regarding water quality planning and land use regulations. Then allow the judicial system to shape the appropriateness of local compliance(s).

- Related to the above item, it was suggested to address the problem by maintaining what you have i.e. natural buffers and develop the remaining land so as not to erode the quality of state waters. It is assumed that the intent of this input was not to create a new program but use a regulatory standard that is applied throughout the watershed.

### **Summary, Assessment and Conclusion**

There is no definitive statement that can be made with respect to the effect upon local government if the Chesapeake Bay Preservation Act is extended to the balance of the Watershed. From Chapter IV it is evident that there are environmental benefits that will accrue to all. In this Chapter, the effect in terms of program development and day-to-day operations are addressed. As is evident from this Chapter, the effect upon an individual locality is dependent upon its environmental situation; the amount, type and location of development that is occurring there; the status of its plans and codes; the expertise that the locality has on staff; and other factors. However, it can be definitively stated that through the current program applied in the Tidewater area, compliance with the Act has not created any adverse effect to local government that could not be accommodated or overcome. The key to having a successful overall program is adequate technical assistance, adequate funding, and operating within the comprehensive framework that is provided in the local governmental context of planning and regulation.

It can also be stated that the current program cannot simply be applied to the expansion area by inclusion of the affected localities to the Act and have it work in an efficient and effective manner. Besides the environmental differences identified in Chapter IV, there are significant demographic differences between Tidewater and the proposed Expansion Area. The overall character of the areas is different, the development pressures are different, and the capacity to assimilate new programs varies widely between the areas and within the proposed Expansion Area itself. Chapter VI addresses changes to the current program that should be considered if an expansion is to occur.

While the cost to the state for implementation of an expansion is addressed in Chapter VII, the work undertaken to assess the impact upon local units of government stresses the need to emphasize coordination and eliminate duplication of state programs and efforts. While there are concerns expressed by some in the Tidewater area over issues of duplication and coordination, they are mainly associated with reporting requirements. In the potential expansion area, there was strong sentiment that there are numerous new programs and activities that are overwhelming the localities. The framework created by the Act and its Regulations, including the CBLAD liaison program and network seems to have been quite effective in assisting localities put their water quality planning needs into a coordinated local perspective. Thus, it seems that an expansion of the Act and its requirement for water quality planning at the local level with state assistance offers a proven way to make the overall state effort more efficient and effective.